

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ASATA D. LOWE,

Petitioner,

v.

No.: 3:07-cv-177  
(VARLAN/GUYTON)

JAMES FORTNER, Warden,

Respondent.

**MEMORANDUM**

This is a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because the petitioner did not pay the required \$5.00 filing fee nor submit an application to proceed *in forma pauperis*, he was given thirty (30) days to either pay the filing fee or submit a completed application to proceed *in forma pauperis*. Petitioner was advised that failure to comply within the time allowed would result in the dismissal of this action. Petitioner has not paid the filing fee or submitted an application to proceed *in forma pauperis*, nor has he otherwise responded to the court's order. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE